



TUC-26A/PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James W. Dobson, Jr. et al.

Serial Number: 10/530,793

Group Art Unit: 1712

Filing Date: 04/08/2005

Examiner: TUCKER, PHILIP C.

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AFFIDAVIT UNDER 37 CFR 1.131

STATE OF TEXAS     )

COUNTY OF HARRIS   )

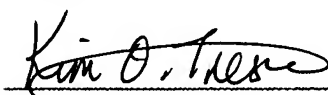
We, James W. Dobson, Jr., Kim O. Tresco, Jorge M. Fernandez, employees of Texas United Chemical Company, LLC., and Bradley L. Todd and Trinidad Munoz, Jr., employees of Halliburton Energy Services, Inc. being duly sworn, do hereby state that:

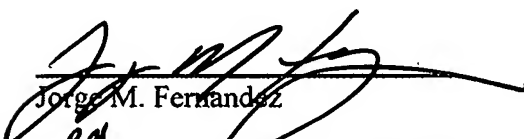
- (1) We are jointly co-inventors of the patent application identified above.
- (2) Texas United Chemical Company, LLC. (hereinafter referred to as "TUCC") and Halliburton Energy Services, Inc. (hereinafter referred to as "HES") entered into an agreement to jointly develop an oil well drilling and servicing fluid (hereinafter referred to as "OWDSF") containing a magnesium oxide (magnesia) bridging agent.
- (3) Upon evaluating various samples of magnesia submitted by several companies, it was determined that the effective submitted magnesia had an Activity Index greater than 40 minutes.

- (4) U.S. patent application SN 10/411,640 was filed on 04/11/2003 disclosing and claiming OWDSF containing a magnesia bridging agent having an Activity Index greater than 40 minutes.
- (5) The TUCC employees set forth herein determined that the Activity Index of the magnesia bridging agent decreased on reducing the particle size of the magnesia resulting in an Activity Index greater than about 800 seconds for an effective magnesia bridging agent. See lab notebook pages 47 and 59, book no. 165, attached (Attachment A).
- (6) (a) Roy F. House, agent for applicants, received a fax from James W. Dobson, Jr. on 07/14/2004 which indicated that the Activity Index of the magnesia bridging agent should be greater than 800 seconds (See Attachment B).
- (b) On 07/28/2004 applicants' agent sent a proposed patent application to the TUCC inventors and to the Patent Dept. of HES claiming a magnesia bridging agent having an Activity Index greater than 800 seconds.
- (c) International patent application was filed in the USPTO as PCT/US2004/033237 on 10/08/2004.
- (d) The present patent application identified herein was filed as a 371 of PCT/US2004/033237 on 04/08/2005.
- (7) The laboratory investigations and the data obtained set forth herein were undertaken in the United States of America.

Further affiants sayeth not.

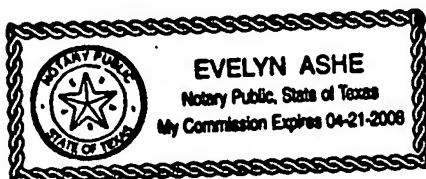
  
James W. Dobson, Jr.

  
Kim O. Tresco

  
Jorge M. Fernandez

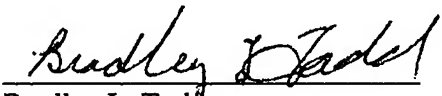
2007.

Sworn to and subscribed before me this 23<sup>rd</sup> day of May 2007



  
Notary Public

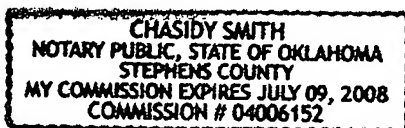
My Commission expires: 4-21-08

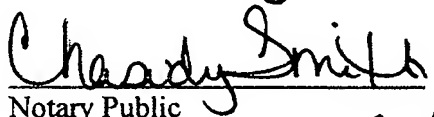
  
Bradley L. Todd

  
Trinidad Munoz, Jr.

2007.

Sworn to and subscribed before me this 22<sup>nd</sup> day of May 2007.



  
Notary Public

My Commission expires: 7-9-08